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11 *Deutsche Bank National Trust Company as Trustee for Indymac Indx Mortgage Loan Trust
12 2005-AR17, Mortgage Pass-Through Certificates Series 2005-AR17*

13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 DEUTSCHE BANK NATIONAL TRUST
17 COMPANY AS TRUSTEE FOR INDYMAC
18 INDX MORTGAGE LOAN TRUST 2005-
19 AR17, MORTGAGE PASS-THROUGH
20 CERTIFICATES SERIES 2005-AR17,

21 Case No.: 2:17-cv-01921-RFB-VCF

22 **STIPULATED JUDGMENT FOR QUIET
23 TITLE**

24 Plaintiff,

25 vs.

26 PARADISE COURT HOMEOWNERS
27 ASSOCIATION; MARYLOU FRAGGETTA,
28 an individual; and ANTHONY FRAGGETTA,
an individual;

Plaintiff,
vs.
Defendant.

Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR
INDYMAC INDX MORTGAGE LOAN TRUST 2005-AR17, MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2005-AR17, by and through its counsel of record, Dana Jonathon
Nitz, Esq. and Yanxiong Li, Esq., of the law firm Wright, Finlay & Zak, LLP; MARYLOU
FRAGGETTA and ANTHONY FRAGGETTA, by and through their counsel of record, Jay
Shafer, Esq. of Premier Legal Group; and PARADISE COURT HOMEOWNERS

1 ASSOCIATION, by and through its counsel of record, Christopher Lund, Esq. of Tyson &
2 Mendes, hereby jointly agree, stipulate, and authorize entry of a stipulated judgment as follows:

3 **II. STIPULATED FACTS**

4 1. DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR
5 INDYMAC INDEX MORTGAGE LOAN TRUST 2005-AR17, MORTGAGE PASS-THROUGH
6 CERTIFICATES SERIES 2005-AR17 (“Deutsche Bank”) is a national banking association, with
7 its main office located in California, organized and existing under the laws of the United States.
8 Ocwen Loan Servicing, LLC is the servicing agent and attorney-in-fact for Deutsche
9 Bank, the beneficiary of the first Deed of Trust encumbering real property located at
10 1065 Pleasure Ln #1, Henderson, Nevada 89002 with APN: 179-34-713-070 (hereinafter, the
11 “Property”), and legally described as:

12 Parcel I: Unit 1 (1) in Building 24 (24) of Final Map of Paradise Court, (a Common
13 Interest Community), as shown by Map thereof on file in Book 116 of Plats, Page 33, in
14 the office of the County Recorder of Clark County, Nevada; TOGETHER WITH
15 associated Garage Unit, as set forth in that certain Declaration of Covenant, Conditions,
and Restrictions and Reservation of Easements of Paradise Court, recorded May 18,
2004 in Book 20040518 as Document No. 01999, Official Records.

16 Parcel II: A non-exclusive right and easement of ingress and egress and of use in, to,
17 and over all common elements, including, but not limited to, private streets, as defined
18 in and subject to the Declaration, which are appurtenant to Parcel I described above.

19 Parcel III: The exclusive right of use, possession, and occupancy of those portions of
20 above-referenced Plat as designated as exclusive use areas and limited common
21 elements, including, but not limited to, Yard Component, as defined in and subject to the
Declaration, which are appurtenant to Parcel I described above.

22 2. MARYLOU FRAGGETTA (“Ms. Fraggetta”) is an individual who owns
23 property located in Clark County, Nevada.

24 3. ANTHONY FRAGGETTA (“Mr. Fraggetta”) is an individual who owns
25 property located in Clark County, Nevada.

26 4. PARADISE COURT HOMEOWNERS ASSOCIATION (hereinafter the “HOA”)
27 is a Nevada non-profit corporation, licensed to do business in the State of Nevada, and was the
28 homeowners association that foreclosed on the Property.

1 5. The real property subject to this dispute is located in Clark County,
2 Nevada. Thus, jurisdiction and venue are proper in this Court.

3 6. On or about May 25, 2005, Ms. Fraggetta purchased the Property. A Grant
4 Bargain and Sale Deed conveying the Property to her was recorded with the Clark
5 County Recorder as Instrument Number 200505250003521.

6 7. To finance her purchase of the Property, Ms. Fraggetta executed a
7 promissory note in the amount of \$172,441.00 payable to DHI Mortgage Company, Ltd.
8 (“Note”).

9 8. To secure the Fraggetta Note, Ms. Fraggetta executed a deed of trust
10 (“Deed of Trust”), which was recorded on May 25, 2005, in the Official Records of Clark,
11 County Nevada as Instrument Number 200505250003522.

12 9. On March 27, 2017, a Corporate Assignment of Deed of Trust was recorded in
13 the Official Records of Clark, County Nevada as Instrument Number 20170327-0001243,
14 by which Mortgage Electronic Registration Systems, Inc. assigned the Deed of Trust to Deutsche
15 Bank National Trust Company as Trustee for Indymac Indx Mortgage Loan Trust 2005-AR17,
16 Mortgage Pass-Through Certificates Series 2005-AR17.

17 10. On February 11, 2011, a Notice of Delinquent Assessment was recorded against
18 the Property by Nevada Association Services, Inc. (“HOA Trustee”) on behalf of the HOA in the
19 Official Records of Clark, County Nevada as Instrument Number 201102110000028.

20 11. On April 4, 2011, a Notice of Default and Election to Sell Under Homeowners
21 Association Lien was recorded against the Property by the HOA Trustee on behalf of the HOA in
22 the Official Records of Clark, County Nevada as Instrument Number 201104040000943.

23 12. On August 16, 2011, a Notice of Foreclosure Sale was recorded against the
24 Property by the HOA Trustee on behalf of the HOA in the Official Records of Clark, County
25 Nevada as Instrument Number 201108160001083.

26 13. On August 17, 2012, a second Notice of Foreclosure Sale was recorded against
27 the Property by the HOA Trustee on behalf of the HOA 201208170001645.

1 14. On November 19, 2012, a Foreclosure Deed was recorded against the Property in
2 the Official Records of Clark, County Nevada as Instrument Number 201211190001854.
3 Pursuant to the Foreclosure Deed, a non-judicial foreclosure sale occurred on November 2, 2012
4 (hereinafter, the “HOA Sale”), whereby HOA acquired interest to the Property for a credit bid of
5 \$8,722.75.

6 15. On December 7, 2015, a Quitclaim Deed was recorded against the Property in the
7 Official Records of Clark, County Nevada as Instrument Number 201512070002062.
8 Pursuant to the Quitclaim Deed, HOA transferred all of its rights, claims and interest in the
9 Property to Ms. Fragetta, a single woman and Mr. Fragetta, a single man, as joint tenant with
10 right of survivorship.

11 16. On July 13, 2017, Deutsche Bank filed a Complaint to set aside the HOA
12 Sale, or alternatively, for declaration that the HOA Sale did not extinguish its Deed of
13 Trust.

14 17. HOA has not appeared in the instant action.

15 18. The parties have now come to a resolution regarding their respective
16 claims and interest in the Property.

17 19. The parties have or will execute a settlement agreement.

18 20. **IT IS HEREBY STIPULATED AND AGREED** that title to the Property is
19 vested in MARYLOU FRAGGETTA, a single woman and ANTHONY FRAGGETTA, a single
20 man, as joint tenants with right of survivorship subject to Deutsche Bank’s Deed of Trust.

21 21. **IT IS HEREBY STIPULATED AND AGREED** that the HOA does not claim
22 any interest in the Property.

23 22. **IT IS HEREBY STIPULATED AND AGREED** that the November 2, 2012
24 HOA Sale did not affect any interest and rights Deutsche Bank has in the Property, including the
25 validity, priority and enforceability of Deutsche Bank’s Deed of Trust.

26 23. **IT IS FURTHER STIPULATED AND AGREED** that the above-referenced
27 matter, with regard to the remaining claims for relief asserted against Ms. Fragetta and Mr.
28 Fragetta, shall be dismissed with prejudice.

1 **24. IT IS FURTHER STIPULATED AND AGREED** that nothing in this
2 Stipulation and Order is intended to be, or will be, construed as an admission of the claims or
3 defenses of the parties.

4 **25. IT IS FURTHER STIPULATED AND AGREED** that this Stipulation and
5 Order is in no way intended to impair the rights of Deutsche Bank (or any of its
6 authorized servicers, agents, investors, affiliates, predecessors, successors, and
7 assigns) to pursue any and all other remedies against Ms. Fraggetta, as defined in the
8 Deed of Trust and/or Note, that Deutsche Bank (or any of its authorized servicers,
9 agents, investors, affiliates, predecessors, successors, and assigns) may have relating
10 to the Note and Deed of Trust, including the right to judicially or non-judicially foreclose
11 or otherwise enforce the Deed of Trust against the Property.

12 **26. IT IS FURTHER STIPULATED AND AGREED** that, this Stipulation and
13 Order is in no way intended to impair the rights or defenses of Ms. Fraggetta (or her
14 agent or successor(s) in interest in the subject Property) to pursue any and all other
15 remedies or to defend against any remedies any party may have relating to the Note
16 and Deed of Trust.

17 **27. IT IS FURTHER STIPULATED AND AGREED** that each party shall bear its
18 own attorney's fees and costs.

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1 28. **IT IS FURTHER STIPULATED AND AGREED** that a copy of this Order may
2 be recorded with the Clark County Recorder.

3 Dated this 5th day of December, 2017

4 /s/ Yanxiong Li, Esq.

5 Dana Jonathon Nitz, Esq.
6 (NV Bar No. 00050)
7 Yanxiong Li, Esq. (NV Bar No. 12807)
8 Wright, Finlay & Zak, LLP
9 7785 W. Sahara Ave., Ste. 200
10 Las Vegas, Nevada 89117
11 *Attorneys for Plaintiff*

Dated this 5th day of December, 2017

/s/ Jay A. Shafer, Esq.

Jay A. Shafer, Esq. (NV Bar No. 9184)
Premier Legal Group
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Las Vegas, Nevada 89128
*Attorneys for Marylou Fraggetta and
Anthony Fraggetta*

10 Dated this 5th day of December, 2017

11 /s/ Christopher A. Lund, Esq.

12 Christopher A. Lund, Esq.
13 (NV Bar No. 12435)
14 Tyson & Mendes LLP
15 8275 S. Eastern Ave., Ste. 115
16 Las Vegas, Nevada 89123
17 *Attorneys for Paradise Court Homeowners
Association*

ORDER

18 Based on the foregoing Stipulation by and between the parties, and good cause
19 appearing, IT IS SO ORDERED.

20 Dated: January 22, 2018.



RICHARD F. BOULWARE, II

United States District Judge

21 UNITED STATES DISTRICT COURT JUDGE
22 Case No.: 2:17-cv-01921-RFB-VCF

23 Respectfully submitted by:

24 WRIGHT, FINLAY & ZAK, LLP

25 /s/ Yanxiong Li, Esq.

26 Yanxiong Li, Esq.
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